

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on March 18, 2009 at 3:00 P.M.,  
in Room 405 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Steven Gallus (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Jesse Laslovich (D)  
Sen. Bruce Tutvedt (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 420; HB 466; HB 495; HB 608  
3/2/2009

Executive Action: SB 433 ~ TABLED

**HEARING ON HB 608**

**Opening Statement by Sponsor:**

00:00:41 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 608, Liability for cleanup of insured damaged property.

**Proponents' Testimony:**

00:04:22 Robert McCarthy, former County Attorney & City Attorney, Butte  
00:06:54 Bob Gilbert, representing City of Glendive, City of Roundup, Musselshell County and Rosebud County  
00:09:40 Sheryl Wood, Montana Association of Counties (MACo)  
00:10:34 Jeffrey Miller, Director of Fire Services, Butte Silver Bow County  
00:11:34 Alan Hulse, Chief Executive Officer, Montana Municipal Authority (MMIA)  
00:12:42 Alec Hansen, League of Cities and Towns  
00:14:55 Doug Neil, representing Montana State Firemen's Association (MSFA)

**Opponents' Testimony:**

00:15:53 Jacqueline Lenmark, representing American Insurance Association (AIA), also speaking for Greg Van Horssen, State Farm Insurance Companies  
00:23:03 Bruce Spencer, representing Property Casualty Insurance Association of America (PCIA)  
00:27:04 Dwight Easton, representing Farmers Insurance Group of Companies (FIG)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:37 Sen. Laslovich  
00:31:25 Dwight Easton, FIG  
00:32:33 Sen. Laslovich  
00:33:06 Doug Neil, MSFA  
00:34:53 Sen. Laslovich  
00:35:24 Rep. Sesso  
00:38:29 Sen. Barkus  
00:39:39 Robert McCarthy, Butte  
00:43:53 Sen. Barkus  
00:45:04 Dwight Easton  
00:46:01 Sen. Gallus  
00:46:42 Dwight Easton

**Questions from Committee Members and Responses: (Con't)**

00:48:49 Sen. Gallus  
00:49:23 Jacqueline Lenmark, AIA  
00:53:12 Sen. Essmann  
00:54:11 Bruce Spencer, PCIA

**Closing by Sponsor:**

00:56:00 Rep. Sesso

**HEARING ON HB 420**

**Opening Statement by Sponsor:**

01:00:06 Rep. Michele Reinhart (D), HD 97, opened the hearing on  
HB 420, Allow local government to adopt energy  
conservation building codes.

**Proponents' Testimony:**

01:03:20 Alec Hansen, League of Cities and Towns  
01:04:12 Dustin Stewart, Executive Director, Montana Building  
Industry Association (MBIA)

**EXHIBIT(1os60a01)**

01:05:22 Matt Elsaesser, City Commissioner, Helena  
01:05:51 Tyler Evilsizer, Chairman, S.A.V.E. Foundation  
01:06:32 David Warner, Helena resident  
01:07:34 William Selser, Helena resident  
01:08:14 Kyla Wiens, Montana Environmental Information Center  
(MEIC)

**Opponents' Testimony:** None

**Informational Testimony:**

01:09:00 David Cook, Department of Labor and Industry

**Questions from Committee Members and Responses:**

01:09:16 Sen. Essmann  
01:09:42 Dustin Stewart, MBIA  
01:10:36 Sen. Laslovich  
01:10:55 Dustin Stewart  
01:11:38 Chairman Esp  
01:11:56 Dustin Stewart

**Closing by Sponsor:**

01:14:09 Rep. Reinhart

**HEARING ON HB 495**

**Opening Statement by Sponsor:**

01:15:19 Rep. Elsie Arntzen (R), HD 53, opened the hearing on  
HB 495, Clarify rights of residents association in  
mobile home parks.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:17:45 Sen. Essmann

01:18:22 Rep. Arntzen

**Closing by Sponsor:**

01:18:53 Rep. Arntzen

**HEARING ON HB 466**

**Opening Statement by Sponsor:**

01:20:08 Rep. Paul Beck (D), HD 59, opened the hearing on  
HB 466, Providing paid military leave for all public  
employees.

**EXHIBIT**(los60a02)

**Proponents' Testimony:**

01:22:25 Dan Antonietti, State Legislative Liaison, Veterans of  
Foreign Wars

01:23:01 Marco Ferro, MEA/MFT

01:24:13 Alec Hansen, League of Cities and Towns

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:24:45 Sen. Jackson  
01:25:32 Rep. Beck  
01:27:32 Chairman Esp  
01:28:00 Alec Hansen, League of Cities and Towns

**Closing by Sponsor:**

01:29:18 Rep. Beck  
  
01:30:03 Recess  
  
01:40:15 Reconvene (Absent from Committee: Sen. Barkus; Sen. Gallus; Sen. Erickson)

**EXECUTIVE ACTION ON SB 433**

**Discussion:**

01:40:47 Chairman Esp  
[EXHIBIT\(los60a03\)](#)  
01:41:57 Steve Wade, representing Montana Contractors Association (MCA)  
01:47:13 Leanne Heisel, Legislative Services Division (LSD)  
01:47:42 Chairman Esp  
01:47:50 Richard Oppen, Director, Department of Environmental Quality (DEQ)  
01:49:25 Chairman Esp  
[EXHIBIT\(los60a04\)](#)  
01:49:41 Steve Wade, MCA  
  
01:50:57 **Motion:** Sen. Tutvedt moved that **SB 433 DO PASS.**  
  
01:51:04 **Motion:** Sen. Tutvedt moved that **SB 433 BE AMENDED.**  
(See Exhibit 3)

**Discussion:**

01:51:18 Sen. Gillan  
01:54:39 Chairman Esp  
01:55:14 Sen. Tutvedt  
  
01:55:33 Sen. Gallus returned to committee meeting.  
  
01:56:07 Sen. Laslovich  
01:56:26 Chairman Esp

01:57:09 Sen. Erickson returned to committee meeting.

01:57:49 Tim Davis, Montana Smart Growth Coalition

01:58:24 Chairman Esp

01:59:13 Sen. Laslovich

01:59:26 John Alke, representing Knife River

02:00:10 Sen. Laslovich

02:01:22 Chairman Esp

02:02:00 Sen. Tutvedt

02:03:48 Sen. Erickson

02:05:14 Sen. Gillan

02:05:44 Jacqueline Fikkema, representing Knife River

02:05:59 Sen. Erickson

02:06:25 Richard Oppen, DEQ

02:07:00 **Vote:** Motion carried 8-1 by roll call vote with Sen. Gillan voting no and Sen. Barkus voting by proxy.

02:08:22 Leanne Heisel, LSD

**EXHIBIT**(los60a05)

02:09:18 Chairman Esp

02:09:39 Sen. Tutvedt

02:10:09 Steve Wade, MCA

02:10:56 Leanne Heisel, LSD

02:11:43 **Motion:** Sen. Erickson moved that **SB 433 BE AMENDED.**  
(See Exhibit 5)

### **Discussion:**

02:11:59 Sen. Tutvedt

02:12:37 Chairman Esp

02:12:55 **Vote:** Motion carried 7-2 by voice vote with Sens. Jackson and Tutvedt voting no and Sen. Barkus voting by proxy.

02:13:21 **Motion:** Sen. Gallus moved that **SB 433 DO PASS AS AMENDED.**

### **Discussion:**

02:13:29 Sen. Gillan

02:15:12 Chairman Esp

02:17:22 Sen. Tutvedt

02:17:57 **Vote:** Motion failed 4-5 by roll call vote with Sens. Esp, Essmann, Jackson, and Tutvedt voting aye and Sen. Barkus voting by proxy. Without objection from the Committee, Chairman Esp requested that the bill be tabled and the vote reversed.

**Committee Business:**

02:18:49 Sen. Gillan

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los60aad.pdf](#))**